

FLOTSAM AND JETSAM.

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Some of our exchanges have adverted to the friendly passage at arms between the Albany *Law Journal* and ourselves with the observation that the solution of the difficulty between us hinges on the question whether "judicial" should be spelled with a capital letter, or "Her Majesty the Queen" with small initials. The idea of a "solution hinging on a question" is a striking figure of rhetoric, and is borrowed from a former Lord Dundreary of whom it was written :

"As thou wouldst say, my guide and leader,
In these gay metaphoric fringes :)
I must embark into the feature,
On which this question chiefly hinges."

"The last time I met Joaquin Miller, the American poet," says the London correspondent of a contemporary, "he spoke of himself as 'Judge' Miller. I expressed my delight and surprise. I had been unaware of his judicial dignities. Indeed, I did not even suspect that he knew any law. Upon my expressing my surprise, he replied calmly—'Yes, sir, for four years I administered law in Oregon—with the help of one law-book and two six-shooters.'" We suppose this one law-book was the immortal commentaries of Judge Blackstone. For does not a compatriot of the poet (who is also a poet) laud the great English legist, thus :

"Where shall we look but to the great Creator,
For one superior to our Commentator?"

The English *Law Journal*, after giving an account of a curious will of one Signor Ponti, containing various complex clauses which would probably result in the estate finding its way into the pockets of the lawyers, thus touchingly comments upon that happy finale: "After all, there is nothing to deplore or be ashamed of in these solutions of embarrassing wills, for it is certain that the proper support of the profession is a good thing, whereas the general advance of the human race by means of £150 prizes to essay writers, or travellers, or mechanical contrivers, is an absurd and impossible object. Besides this, we must remember that no testator since the foundation of the world has ever bequeathed anything directly to the lawyers, and therefore they are justified in the indirect reception of some small share of the wealth of dead men. We do not know whether these views are shared by our learned brethren

in Italy, but we have no reason to imagine that they are less eager to promote the prosperity of their profession than the counsel or the solicitors who practice in the Probate Court or the High Court of Chancery."

Dr. Franklin thought that judges ought to be appointed by the lawyers, for, added he, in Scotland, where this practice prevails, they always select the ablest member of the profession, in order to get rid of him and share his practice themselves.—*Albany Law Journal*.

During the trial of a rather "demoralized" looking individual in Buffalo, not long since, one of the "lookers-on" at the bar, turning to another, and calling his attention to the jury, said, "How lucky it was that such men were created, for, without them, how could the benignant provisions of our glorious constitution be carried out, which guarantee to every man the right to be tried by his peers."

Somewhat better than this was the answer of a prisoner's counsel to the remark of the judge, that "the court and jury think the prisoner a knave and a fool." "The prisoner wishes me to say," responded the counsel, "that he is perfectly satisfied—he has been tried by his peers."—*Ib.*

Curran used to say (and we commend the saying to the careful consideration of advocates): "When I cannot talk sense I talk metaphor." Kenyon must have been doing the same thing when he once addressed the Bench: "Your lordships perceive that we stand here as our grandmother's administrator *de bonis non*; and really, my lords, it does strike me that it would be a monstrous thing to say that a party can now come in, in the very teeth of an Act of Parliament, and actually *turn us round*, under color of *hanging us* upon the *foot* of a contract *made behind our backs*."—*Ib.*

A physician reproaching a lawyer with what Mr. Bentham would, perhaps, have called the "uncognoscibility" of legal nomenclature, said: "Now, for example, I never could comprehend what you lawyers mean by *docking an entail*." "My dear doctor," replied the lawyer, "I don't wonder at it; but I will explain; it is what your profession never consent to—*suffering a recovery*."—*Ib.*